



Department of Environmental Quality

*To protect, conserve and enhance the quality of Wyoming's
environment for the benefit of current and future generations.*



Matthew H. Mead, Governor

Todd Parfitt, Director

CERTIFIED MAIL June 1, 2015

Mr. Brad Pratt, Owner
Idaho Abatement & Insulation Supply, LLC.
PO Box 3918
Idaho Falls, ID 83403

RE: Notice of Violation

Mr. Pratt:

Enclosed you will find a Notice of Violation (NOV) issued to Idaho Abatement & Insulation Supply, LLC. by the Department of Environmental Quality, Air Quality Division, for the failure to: 1) remove friable Regulated Asbestos-Containing Material (RACM) in a manner that minimizes disturbance, 2) keep removed RACM wet until sealed in leak-tight containers, and 3) seal all RACM waste in leak-tight containers while wet. These are violations of Chapter 3, Section 8 of the Wyoming Air Quality Standards and Regulations.

As the Department and this Division consider the failure to comply with asbestos requirements to be a serious matter, I am considering recommending that the Department refer this violation to the State Attorney General's office requesting a suit be filed in District Court to recover appropriate penalties.

If you would like to discuss settlement of this issue prior to referral to the Attorney General's office, please contact Mr. Fred DiLella, Stationary Source Compliance Program Manager, at 307-777-3774 no later than ten (10) working days after receipt of this letter.

Should you have any questions or comments regarding this matter, please feel free to contact Mr. Fred DiLella or me at your convenience.

Sincerely,

Steven A. Dietrich
Administrator
Air Quality Division

cc: Mr. Fred DiLella, Ms. Linda Dewitt, Mr. Greg Meeker, Mrs. Elizabeth Lyon, Mr. Landon Brown, Ms. Ann Shed



**BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING**

IN THE MATTER OF THE NOTICE OF VIOLATION)	
ISSUED TO IDAHO ABATEMENT & INSULATION)	
MR. BRAD PRATT, OWNER)	DOCKET NO. 5579-15
PO BOX 3918)	
IDAHO FALLS, IS 83403)	

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1) The Department of Environmental Quality, Division of Air Quality has found Idaho Abatement & Insulation Supply, LLC. (Operator) to be in violation of W.S. 35-11-201 of the Wyoming Environmental Quality Act and Chapter 3, Section 8 of the Wyoming Air Quality Standards and Regulations as a result of abatement prior to demolition activity at Turpin Meadows Ranch located at 2400505 Buffalo Valley Road near Moran, WY.

2) W.S. 35-11-201 of the Wyoming Environmental Quality Act states, "No person shall cause, threaten or allow the discharge or emission of any air contaminant in any form so as to cause pollution which violates rules, regulations and standards adopted by the council."

3) Chapter 3, Section 8 of the Wyoming Air Quality Standards and Regulations establishes asbestos emission standards for demolition, renovation, manufacturing, spraying and fabricating that apply to owners and operators of facilities where asbestos renovation and/or demolition activities are taking place.

4) Ms. Linda Dewitt, Asbestos Program Coordinator visited the site of this demolition project on April 29, 2015. During the site visit Ms. Dewitt examined a section of the work area where abatement had allegedly been completed, since the containment and critical barriers had been removed and the area was no longer under negative pressure. She noted a large amount of suspect joint compound remaining on the seams of the wallboard material that had been torn off the walls and partially off the ceilings. A pile of large sheets of this material, approximately 4 feet high x 4 feet wide x 4 feet long, was stacked up on the carpet in the center of this room, but it was not being kept wet or enclosed in sealed leak-tight containers. A sample of the material was taken from a piece of tape hanging loose from the ceiling inside this space.

5) Laboratory analysis of the tape material collected from inside the completed area of abatement found 4% chrysotile remaining in a white popcorn layer and 2% chrysotile in a joint compound layer under the tape. All of this material is considered to be Regulated Asbestos-Containing Material. The project involved removal of at least 3000 square feet of this material.

6) Chapter 3, Section 8(i)(iii)(A) of the Wyoming Air Quality Standards and Regulations states, "Remove all RACM from a facility being demolished or renovated before any activity begins that would break up, dislodge, or similarly disturb the material or preclude access to the material for subsequent removal..." The abatement project for the contractor required removal, in accordance with regulatory requirements, of all of this material prior to the start of demolition activity.

7) Chapter 3, Section 8 (i)(iii)(F)(I) of the Wyoming Air Quality Standards and Regulations states, "Adequately wet the material and ensure that it remains wet until collected and contained or treated in preparation for disposal in accordance with paragraph (m)." During the site visit on April 29, 2015 all of the partially removed wallboard walls and ceiling waste stacked inside the building had been allowed to dry.

8) Chapter 3, Section 8(m)(i)(A)(III) of the Wyoming Air Quality Standards and Regulations states, “After wetting, seal all asbestos-containing waste material in leak-tight containers while wet...” The stack of removed wallboard walls and ceiling waste stacked inside the building had been allowed to dry without being sealed into labeled, leak-tight containers.

12) Said violations consist of the failure to: 1) remove friable Regulated Asbestos-Containing Material in manner that minimizes disturbance, 2) keep removed RACM wet from the time it was created/disturbed until it was packaged for disposal, and 3) ensure that wetted waste material was sealed in leak-tight containers while wet. These are violations of Chapter 3, Section 8 of the Wyoming Air Quality Standards and Regulations.

13) Under W.S. 35-11-901(a), any person who violates any provision of Article 2 of (the Environmental Quality Act)... or any rule, regulation, standard or permit adopted pursuant to those provision, or who violates any determination or order of the council pursuant to Article 2 of (the Environmental Quality Act)... is subject to a penalty not to exceed ten thousand dollars for each violation for each day during which the violation continues, a temporary or permanent injunction, or both a penalty and an injunction.

14) This notice is being sent to you pursuant to W.S. 35-11-701(c), which requires that, in any case of the failure to correct or remedy an alleged violation, the Director of the Department of Environmental Quality shall cause a written notice to be issued and served upon the person alleged to be responsible.

Dated this 1ST day of JUNE, 2015.



Steven A. Dietrich
Administrator
Air Quality Division



Todd Parfitt
Director
Department of Environmental Quality

Please direct all inquiries to Steven A. Dietrich, Administrator, Division of Air Quality, Department of Environmental Quality, Herschler Building, 2nd Floor, 122 West 25th Street, Cheyenne, Wyoming 82002. (Telephone: 307-777-3746)